

1 Jason M. Kerr  
2 Nevada State Bar No. 7773  
3 Email: jasonkerr@ppktrial.com  
4 PRICE, PARKINSON & KERR  
5 5742 W. Harold Gatty Drive  
6 Salt Lake City, Utah 84116  
7 Tel: 801-517-7088  
8 Fax: 801-530-2932

9 *Attorneys for Plaintiff*

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 EIGHT IP, LLC, a Delaware limited liability  
13 company;

14 Plaintiff,

15 v.

16 ELEMENT NUTRITION, INC, an Ontario Canada  
17 corporation, CANACCORD GENUITY CORP., an  
18 Ontario Canada corporation, and STUART  
19 LOWTHER, an individual;

20 Defendants.

**MOTION TO EXTEND TIME TO  
SERVE DEFENDANT STUART  
LOWTHER**

Case No. 2:23-cv-01385

Judge: Richard F. Boulware

21 Plaintiff Eight IP, LLC (“Eight IP”) hereby moves the Court for additional time to serve  
22 the Summons and Complaint in this matter on Defendant Stuart Lowther (“Lowther”) for the  
23 reasons set forth herein. Eight IP asks the Court to extend the time to serve Lowther with a  
24 Summons and Complaint by another sixty days.

25 **ARGUMENT**

26 Both before and after filing the Complaint in this matter, Eight IP has engaged in  
settlement negotiations with Defendant Element Nutrition, Inc. (“Element”). Initially, Lowther

Motion to Extend Time to Serve Defendant Stuart Lowther

1 handled these negotiations, but after a period of time dropped out of the discussions and other  
2 individuals took over. After extended negotiations, Eight IP and Element finalized a settlement  
3 agreement which required Element to perform certain obligations over a period of time. Eight IP  
4 and Element stipulated to stay this matter to give Element time to perform its obligations under  
5 the settlement agreement. [Dkt. Nos. 10, 13] Element performed its obligations under the  
6 settlement agreement, which in turn triggered Eight IP's obligation to dismiss Element and  
7 Defendant Canaccord Genuity Corp. from this dispute. Eight IP has since dismissed these two  
8 defendants from this matter [Dkt No. 14] but its claims against Lowther remain.

9  
10 Due to Lowther dropping out of the settlement discussions and not being a party to any  
11 settlement agreement, Eight IP intends to pursue its claims against him. The Court previously  
12 granted Eight IP's motion to extend time to serve Lowther [Dkt. No. 12], but Eight IP needs  
13 additional time to complete service. Lowther resides in Canada where service of process is  
14 governed by the Hague Convention and Canadian law. Eight IP has recently located an address  
15 in Canada to serve Lowther and has requested a signed Summons from the Clerk of this Court.  
16 Eight IP requests additional time of another sixty days to serve Lowther with a Summons, once it  
17 is signed by the Clerk, and copy of the Complaint so it can proceed with its claims against him.  
18 Accordingly, Eight IP respectfully asks the Court to extend the time to serve Lowther by an  
19 additional sixty days.  
20

### 21 **CONCLUSION**

22 For the reasons stated herein, Eight IP respectfully asks the Court to grant this Motion to  
23 Extend Time to Serve Defendant Stuart Lowther by another sixty days. A proposed order is  
24 submitted herewith.

25 //  
26

Motion to Extend Time to Serve Defendant Stuart Lowther

DATED this 6th day of May, 2024.

**PRICE PARKINSON & KERR, PLLC**

By /s/ Jason M. Kerr

JASON M. KERR

Nevada Bar No. 07773

*Attorneys for Plaintiff Eight IP, LLC*

IT IS HEREBY ORDERED that the Motion to Extend Time to Serve Defendant Stuart Lowther (ECF No. 16) is GRANTED.

IT IS FURTHER ORDERED that will have through and including July 8, 2024 to serve the Summons and Complaint.



ELAYNA J. YOUCHAH

UNITED STATES MAGISTRATE JUDGE